



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPN, FFL

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession based on a notice to end tenancy given by the tenants. At the outset of the hearing, the landlords were present. The tenants appeared 15 minutes after the commencement of the hearing and stated the reason they were late was because they had difficulty locating the Notice of Dispute Resolution Proceeding.

I proceeded to confirm the tenants had received the landlord's proceeding package that was posted on the door of the rental unit on December 21, 2019 and the landlord's evidence, namely a copy of the tenant's notice to end tenancy letter, that was also posted to the door on December 30, 2019.

I also reviewed the oral testimony of the landlords that had been provided to me before tenants appeared and gave them the opportunity to respond to it out of an abundance of fairness.

The landlords had presented evidence that did not amount to a binding notice to end tenancy by the tenants; however, during the hearing the parties turned their minds to ending this tenancy by way of a mutual agreement. The parties were able to reach a mutual agreement and I have recorded it and made it binding by way of this decision and the Order that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement to end tenancy?

Background and Evidence

The parties mutually agreed during the hearing that the tenancy shall end effective on March 15, 2020.

The tenant requested that the landlord cease entering the rental unit without obtaining consent or giving a notice to enter. The parties were in dispute about this point; however, it was unnecessary for me to make any finding on that issue since the subject of this proceeding was not a tenant's application for orders for the landlords to comply with the Act. Nevertheless, it was clear to me that this tenancy relationship is very acrimonious and with a view to facilitating a peaceable existence for the remainder of the tenancy, I ordered both parties to comply with their respective obligations under the Act; including:

1. The landlords must comply with section 29 of the Act with respect to entering the rental unit;
2. The landlords must comply with section 28 of the Act, which includes protecting the tenant's right to reasonable privacy;
3. The tenants must not unreasonably disturb other occupants of the residential property or interfere with the landlord's lawful rights;
4. The tenants must not damage the rental unit.

Both parties were strongly encouraged to familiarize themselves with their respective rights and obligations under the Act. Should the parties fail to comply with my orders above, they may pursue further remedy against the other party.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties. In recognition of the mutual agreement, I order this tenancy shall end effective March 15, 2020 and I provide the landlords with an Order of Possession effective at 1:00 p.m. on March 15, 2020.

In addition to the orders I gave to the parties during the hearing, as described in the Background and Evidence section of this decision, I further order that the tenants remain obligated to pay rent for the remainder of the tenancy, up to and including March 15, 2020.

Conclusion

The parties reached a mutual agreement to end tenancy effective on March 15, 2020. I have made that agreement binding upon both parties by making it an order of mine. The landlords are provided an Order of Possession effective at 1:00 p.m. on March 15, 2020.

I have issued orders to both parties with respect to compliance with the Act for the remainder of the tenancy, as set out in this decision.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 23, 2020

Residential Tenancy Branch